
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

RENITA M. LANE,

Plaintiff,

*versus*CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 1:11-CV-710

**MEMORANDUM ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

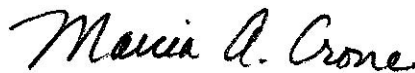
The Court referred this case to the Honorable Keith Giblin, United States Magistrate Judge, for consideration. The magistrate judge submitted a report (#17) (“Report”) recommending that the Court affirm the Commissioner’s decision denying plaintiff’s application for social security benefits. The plaintiff filed objections to the magistrate judge’s report. The Court accordingly conducted a *de novo* review of the report, the objections, the record, and the applicable law. *See* FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b). After consideration, the Court concludes that the magistrate judge’s recommendation should be adopted.

The plaintiff’s objections focus on Judge Giblin’s review of the ALJ’s evaluation of the medical evidence. The plaintiff argues that Judge Giblin ignored medical evidence which directly contradicts the administrative law judge’s (“ALJ”) residual functional capacity determination. The plaintiff also contends that the magistrate judge failed to apply the proper legal standard in reviewing the ALJ’s consideration of an opinion issued by the plaintiff’s treating physician, Dr. Brown.

The Court finds the plaintiff's objections to be without merit. The magistrate judge's report contains legal and factual support for his conclusions regarding the ALJ's consideration of the medical evidence. A treating physician's opinion is only afforded controlling weight when it is supported by medically accepted clinical and laboratory diagnostic techniques and is not inconsistent with other substantial evidence in the case record. *See* 20 C.F.R. § 404.1527(c)(2) (2013). This standard of review is explained in *Newton v. Apfel*, 209 F.3d 448, 453 (5th Cir. 2000), which the plaintiff cites in her objections. The magistrate judge specifically stated this legal standard. *See Report*, at p. 8. He also discussed the ALJ's consideration of Dr. Brown's opinions and the ALJ's stated reasons for declining to afford controlling weight to the specific opinion relied upon by the plaintiff. *Id.* The record also shows that the ALJ considered the medical evidence as a whole in evaluating the plaintiff's claims and that substantial evidence supports the ALJ's ultimate conclusions regarding the plaintiff's medical impairments.

The Court therefore ORDERS that the plaintiff's objections (#18) are OVERRULED. The Court finds that the magistrate judge's findings of fact and conclusions of law are correct. The Report (#17) is ADOPTED and the Commissioner's decision is AFFIRMED. The Court will enter final judgment separately.

SIGNED at Beaumont, Texas, this 10th day of September, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE